



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

COPY MAILED

SEP 29 2006

OFFICE OF PETITIONS

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

In re Patent No. 7,054,508	:	DECISION REGARDING PTA
Issued: May 30, 2006	:	and NOTICE OF INTENT TO ISSUE
Application No. 09/916,265	:	CERTIFICATE OF CORRECTION
Filed: July 30, 2001	:	
Atty. Dkt. No.: 862.C2318	:	

This decision is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER," filed August 4, 2006.

The application for patent term adjustment (PTA) under 37 CFR 1.705(d) is hereby **GRANTED**.

The above-identified application matured into U.S. Patent No. 7,054,508 on May 30, 2006. The patent issued with a PTA of 550 days. The instant application for PTA was timely filed August 4, 2006 (certificate of mailing date of July 31, 2006). Patentees argue that the adjustment of 550 days is incorrect and further argue that the patent is entitled to an adjustment of 580 days. Specifically, patentees dispute the reduction of 80 days in connection with the Rule 312 amendment submitted January 23, 2006. Instead, patentee argues that the adjustment is properly reduced 50 days.

A review of the application history reveals that at the time of issuance, the patent was entitled to an adjustment of 580 days. The adjustment of 708 days attributed to the Office in accordance with 37 CR 1.702 is properly reduced 128 days.

The period of reduction in connection with the Rule 312 amendment was improperly calculated. The proper calculation is as argued by patentees. The reduction began January 23, 2006, the date the Rule 312 amendment was filed, and ended March 13, 2006, the date the examiner's amendment in response thereto was mailed.

Thus, at the time of issuance, the patent was entitled to an adjustment of 580 days, as argued by patentee.

Receipt is hereby acknowledged of the required application fee of \$200.00.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 580 days.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery A Fries
Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Draft Certificate of Correction

CC: Draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,054,508 B2

DATED : May 30, 2006

INVENTOR(S) : Hanamoto

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 550 days

Delete the phrase "by 550 days" and insert – by 580 days--

DRAFT

Day : Thursday
Date: 9/28/2006

PALM INTRANET

Time: 15:15:55

PTA Calculations for Application: 09/916265					
Application Filing Date:		07/30/2001	PTO Delay (PTO):		708
Issue Date of Patent:		05/30/2006	Three Years:		0
Pre-Issue Petitions:		0	Applicant Delay (APPL):		158
Post-Issue Petitions:		0	Total PTA (days):		580
PTO Delay Adjustment:		30			
File Contents History					
Number	Date	Contents Description	PTO	APPL	START
48	09/28/2006	ADJUSTMENT OF PTA CALCULATION BY PTO	30		
44.5	05/10/2006	PTA 36 MONTHS			
44	05/30/2006	PATENT ISSUE DATE USED IN PTA CALCULATION	7		30
43	04/12/2006	MAIL RESPONSE TO 312 AMENDMENT (PTO-271)			
42	04/12/2006	MAIL EXAMINER'S AMENDMENT			
41	04/10/2006	EXAMINER'S AMENDMENT COMMUNICATION			
40	03/23/2006	EXPORT TO FINAL DATA CAPTURE			
39	03/22/2006	DISPATCH TO FDC			
38	03/22/2006	APPLICATION IS CONSIDERED READY FOR ISSUE			
37	03/22/2006	RESPONSE TO AMENDMENT UNDER RULE 312			
36	03/22/2006	TC RETURN TO PUBS			
35	03/21/2006	CASE DOCKETED TO EXAMINER IN GAU			
34	01/23/2006	AMENDMENT AFTER NOTICE OF ALLOWANCE (RULE 312)		0	43
33	03/13/2006	MAIL EXAMINER'S AMENDMENT			
32	03/06/2006	EXAMINER'S AMENDMENT COMMUNICATION			
31	01/23/2006	AMENDMENT AFTER NOTICE OF ALLOWANCE (RULE 312)		80	43
30	01/23/2006	ISSUE FEE PAYMENT VERIFIED		5	26
29	01/23/2006	FINISHED INITIAL DATA CAPTURE			
28	01/23/2006	ISSUE FEE PAYMENT RECEIVED			
27	10/24/2005	EXPORT TO INITIAL DATA CAPTURE			
26	10/18/2005	MAIL NOTICE OF ALLOWANCE			
25	10/15/2005	ISSUE REVISION COMPLETED			

24	10/15/2005	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
23	10/15/2005	NOTICE OF ALLOWABILITY			
22	10/15/2005	CASE DOCKETED TO EXAMINER IN GAU			
21	09/30/2005	DATE FORWARDED TO EXAMINER			
20	09/12/2005	AMENDMENT AFTER FINAL REJECTION		34	17
19	09/12/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
18	06/02/2005	CASE DOCKETED TO EXAMINER IN GAU			
17	05/09/2005	MAIL FINAL REJECTION (PTOL - 326)	6		13
16	05/04/2005	FINAL REJECTION			
15	04/19/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
14	04/01/2005	DATE FORWARDED TO EXAMINER			
13	01/03/2005	RESPONSE AFTER NON-FINAL ACTION		39	9
12	01/03/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
10	01/03/2005	WORKFLOW INCOMING AMENDMENT IFW			
9	08/25/2004	MAIL NON-FINAL REJECTION	695		-1
8	08/23/2004	NON-FINAL REJECTION			
7	03/20/2002	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
6	01/31/2002	CASE DOCKETED TO EXAMINER IN GAU			
5	10/18/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
4	09/11/2001	APPLICATION DISPATCHED FROM OIPE			
3	09/10/2001	CORRESPONDENCE ADDRESS CHANGE			
2	08/07/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	07/30/2001	INITIAL EXAM TEAM NN			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back use Back button on your browser toolbar.

Back to [PALM](#) | [ASSIGNMENT](#) | [OASIS](#) | [Home page](#)